

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Abdul Basit Siddiqui,

Case No. 21-cv-00989 (WMW/JFD)

Plaintiff,

v.

**REPORT AND
RECOMMENDATION**

Executive Affiliates, Inc., and Melissa
Walker,

Defendants.

This case was removed to federal court on April 15, 2021, by former Defendant Hunter Warfield, Inc. (Dkt. No. 2.) It was reassigned to Magistrate Judge John F. Docherty on August 5, 2021. (Dkt. No. 14.) Not long after the case was removed, Plaintiff Abdul Basit Siddiqui and Defendant Hunter Warfield stipulated to Hunter Warfield's dismissal, and Hunter Warfield was dismissed from the case on May 20, 2021. (Dkt. Nos. 9, 13.) Since the case's removal, there has been no indication on the record that remaining Defendants Executive Affiliates, Inc., or Melissa Walker have ever been served with a summons or a copy of the Complaint.

On August 10, 2021, the Court issued an Order directing Plaintiff to, on or before September 10, 2021, either file proof of service of process on these two remaining Defendants, or to show cause why the case should not be dismissed without prejudice for failure to serve Defendants within the 90-day time period prescribed by Federal Rule of Civil Procedure 4(m). (Dkt. No. 4.) Plaintiff was warned that if he did not file one of these two alternatives on or before the required date, the Court could recommend that the case

be dismissed without prejudice. (*Id.*) In response to the Court’s August 10 Order, the Office of the Clerk of Court, on August 11, 2021, prepared and mailed to Plaintiff summonses for Executive Affiliates, Inc., and Melissa Walker. (Dkt. No. 16.) To date, Plaintiff has not filed anything in response to the Order, and the time to do so has expired.

Federal Rule of Civil Procedure 4(m) requires a plaintiff to serve a defendant with a copy of the summons and complaint within 90 days of the date the complaint is filed. If the plaintiff does not serve the defendant within that time frame, “the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m).

Many months have passed since Plaintiff’s case was removed to federal court. He has been notified that he needs to provide proof of service and has been given an opportunity to show good cause. Plaintiff has neither filed the requisite proof of service of process on these two remaining Defendants, nor demonstrated good cause for his failure to do so.

Accordingly, **IT IS HEREBY RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** and that **JUDGMENT BE ENTERED ACCORDINGLY**.

Dated: September 24, 2021

s/ John F. Docherty
JOHN F. DOCHERTY
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the

District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals. Pursuant to Local Rule 72.2(b)(1), a party may file and serve specific written objections to this Report and Recommendation within **fourteen** days. A party may respond to objections within **fourteen** days after being served a copy of the objections. All objections and responses must comply with the word or line limits set forth in LR 72.2(c).